

**AMENDMENT****OFFERED BY M**                     Strike SEC. 121 and insert the following:

1 **SEC. \_\_\_\_ . MEDICAID COVERAGE OF TOBACCO CESSATION**  
2 **SERVICES FOR MOTHERS OF NEWBORNS.**

3 (a) IN GENERAL.—Section 1905(bb) of the Social Se-  
4 curity Act (42 U.S.C. 1396d(bb)) is amended by adding  
5 at the end the following new paragraph:

6 “(4) A woman shall continue to be treated as de-  
7 scribed in this subsection as a pregnant woman through  
8 the end of the 1-year period beginning on the date of the  
9 birth of a child of the woman.”.

10 (b) CONFORMING AMENDMENTS.—

11 (1) Subsections (a)(2)(B) and (b)(2)(B) of sec-  
12 tion 1916 of the Social Security Act (42 U.S.C.  
13 1396o) are each amended by inserting “(and women  
14 described in section 1905(bb) as pregnant women  
15 pursuant to paragraph (4) of such section)” after  
16 “tobacco cessation by pregnant women”.

17 (2) Section 1927(d)(2)(F) of the Social Secu-  
18 rity Act (42 U.S.C. 1396r–8(d)(2)(F)) is amended  
19 by inserting “(and women described in section

1 1905(bb) as pregnant women pursuant to paragraph  
2 (4) of such section)” after “pregnant women”.

3 (c) EFFECTIVE DATE.—

4 (1) IN GENERAL.—Subject to paragraph (2),  
5 the amendments made by this section shall apply  
6 with respect to items and services furnished on or  
7 after the date that is 2 years after the date of the  
8 enactment of this Act.

9 (2) EXCEPTION FOR STATE LEGISLATION.—In  
10 the case of a State plan under title XIX of the So-  
11 cial Security Act, which the Secretary of Health and  
12 Human Services determines requires State legisla-  
13 tion in order for the plan to meet any requirement  
14 imposed by amendments made by this section, the  
15 plan shall not be regarded as failing to comply with  
16 the requirements of such title solely on the basis of  
17 its failure to meet such an additional requirement  
18 before the first day of the first calendar quarter be-  
19 ginning after the close of the first regular session of  
20 the State legislature that begins after the effective  
21 date specified in paragraph (1). For purposes of the  
22 previous sentence, in the case of a State that has a  
23 2-year legislative session, each year of the session  
24 shall be considered to be a separate regular session  
25 of the State legislature.

1 (d) REPORT.—Not later than 2 years after the date  
2 of the enactment of this Act, the Inspector General of the  
3 Department of Health and Human Services shall submit  
4 to Congress a report that assesses the use of the tobacco  
5 cessation service benefit under the Medicaid program.  
6 Such report shall include an assessment of—

7 (1) the extent that States are encouraging the  
8 use of such benefit, such as through promotion of  
9 beneficiary and provider awareness of such benefit;  
10 and

11 (2) gaps in the delivery of such benefit.

12 **SEC. \_\_\_\_ . MEDICAID COVERAGE PROTECTION FOR PREG-**  
13 **NANT AND POST-PARTUM WOMEN WHILE RE-**  
14 **CEIVING INPATIENT TREATMENT FOR A SUB-**  
15 **STANCE USE DISORDER.**

16 (a) IN GENERAL.—Section 1905(a) of the Social Se-  
17 curity Act (42 U.S.C. 1396d(a)) is amended by adding  
18 at the end the following new sentence: “In the case of a  
19 woman who is eligible for medical assistance on the basis  
20 of being pregnant (including through the end of the month  
21 in which the 60-day period beginning on the last day of  
22 her pregnancy ends), who is a patient in an institution  
23 for mental diseases for purposes of receiving treatment for  
24 a substance use disorder, and who was enrolled for medical  
25 assistance under the State plan immediately before becom-

1 ing a patient in an institution for mental diseases or who  
2 becomes eligible to enroll for such medical assistance while  
3 such a patient, the exclusion specified in the subdivision  
4 (B) following paragraph (29) of the first sentence shall  
5 not be construed as prohibiting Federal financial partici-  
6 pation for medical assistance for items or services that are  
7 provided to the woman outside of the institution.”.

8 (b) EFFECTIVE DATE.—

9 (1) IN GENERAL.—Except as provided in sub-  
10 paragraph (B), the amendment made by subsection  
11 (a) shall take effect on the date of the enactment of  
12 this Act.

13 (2) EXCEPTION IF STATE LEGISLATION RE-  
14 QUIRED.—In the case of a State plan under title  
15 XIX of the Social Security Act which the Secretary  
16 of Health and Human Services determines requires  
17 State legislation (other than legislation appro-  
18 priating funds) in order for the plan to meet the ad-  
19 ditional requirements imposed by the amendment  
20 made by paragraph (1), the State plan shall not be  
21 regarded as failing to comply with the requirements  
22 of such title solely on the basis of its failure to meet  
23 these additional requirements before the first day of  
24 the first calendar quarter beginning after the close  
25 of the first regular session of the State legislature

1       that begins after the date of the enactment of this  
2       Act. For purposes of the previous sentence, in the  
3       case of a State that has a 2-year legislative session,  
4       each year of such session shall be deemed to be a  
5       separate regular session of the State legislature.

